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Security Council

Seventy-first year

Provisional

7702nd meeting
Tuesday, 31 May 2016, 10 a.m.
New York

President:	Mr. Aboulatta	(Egypt)
Members:	Angola	Mr. Gaspar Martins
	China	Mr. Shen Bo
	France	Mr. Delattre
	Japan	Mr. Okamura
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Taula
	Russian Federation	Mr. Iliichev
	Senegal	Mr. Seck
	Spain	Mr. González de Linares Palou
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Meek
	United States of America	Mr. Pressman
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

The President (*spoke in Arabic*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of South Sudan to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2016/493, which contains the text of a draft resolution submitted by the United States of America.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, China, Egypt, France, Japan, Malaysia, New Zealand, Russian Federation, Senegal, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela (Bolivarian Republic of)

The President (*spoke in Spanish*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2290 (2016).

I now give the floor to those members of the Council who wish to make statements after the vote.

Mr. Ilichev (Russian Federation) (*spoke in Russian*): Russia supported the adoption of resolution 2290 (2016). In voting for it, we based our decision on the significant progress recently achieved towards the settlement of the conflict in South Sudan, including the establishment of the Transitional Government of National Unity. We also take into account the sensitivity of the current situation and the need for effective international support for the peace process in that country.

We have repeatedly expressed concern that excessive pressure, particularly that exerted by sanctions, can undermine those achievements and entrench the positions of the South Sudanese parties. Russia cannot in principle accept a situation where anyone — especially a member of the Security Council — should seek to use sanctions instead of undertaking serious political and diplomatic work. We therefore strongly opposed the inclusion in today's resolution a provision warning of the broadening of the Security Council sanctions regime against South Sudan in the coming months, including the imposition of an arms embargo. Let us not forget the needs of the Government of South Sudan in ensuring security, law and order in the country.

We are glad that common sense prevailed in the Council in the end. However, our support for resolution 2290 (2016)as a whole does not mean that we agree with all its provisions. Unfortunately, as in the case of other Council resolutions on South Sudan, the authors did not take into account the serious and reasonable concerns of a number of delegations. We believe that it is inappropriate — especially in a Security Council sanctions resolution — to include a provision on the review of the Non-Governmental Organizations (NGOs) Bill. This provision not only serves to create advantages for foreign NGOs, but also distorts the South Sudan Peace Agreement.

Nor can we justify inclusion in the text of a reference to the reports of the High United Nations High Commissioner for Human Rights. The Security Council did not request these reports; they were discussed in the Human Rights Council. The contents of the document have nothing to do with the primacy of Security Council leadership. We are also disappointed by the refusal of some delegations to include in the resolution reference to the importance of international assistance in normalizing the situation and overcoming the economic and humanitarian problems in South Sudan. In our view, the international partners should apply not only sanctions, but also positive incentives to South Sudan. No one is interested in its economic collapse.

We hope that in the course of the work on a new draft resolution on South Sudan in July, these legitimate concerns will be taken into account. Otherwise, the unity of the Council and its effective performance in South Sudan may again be threatened.

Mr. Pressman (United States of America): The Security Council has watched the situation in South Sudan particularly closely over these past three months. In early March, as the targeted sanctions established

by resolution 2206 (2015) were due to be renewed, the Council extended them for 45 days. We proposed that somewhat unconventional approach because we wanted to keep the fluid situation on the ground under continuous review. In early April, seeing some tentative signs of progress but still no national unity Government, the Council extended the sanctions for another short period and simultaneously adopted presidential statement S/PRST/2016/3, reinforcing the steps the Security Council expected the parties to take. We expressed our intention to review progress on those benchmarks before the Security Council considered next steps on the sanctions regime. Finally, just over a month ago, the Transitional Government of National Unity was formed, fulfilling a key provision of the Agreement on the Resolution of the Conflict in South Sudan. Obviously, however, much more remains to be done.

While we have now adopted resolution 2290 (2016), extending the sanctions framework for a year, we will be no less vigilant or focused on South Sudan as we have been for the past 90 days, and we will be no less prepared to augment or modify the sanctions regime as the situation on the ground demands and the conduct of the parties necessitates. We have all watched too much bloodshed in South Sudan. We have watched leaders prioritize power over peace, and we have watched the very real human consequences of their craven policies. As the Secretary-General has stated, the people of South Sudan have "been betrayed by those who put power and profit over people". He went on to refer to "epic corruption".

There is no time to delay tackling these challenges. Now is the time to fully implement the Peace Agreement, which, as the Security Council has emphasized today, includes establishing the hybrid court and the mechanisms outlined in Chapter V of the Agreement in order to hold accountable those whose actions have cost so many — too many — lives needlessly. Today's resolution should remind South Sudan's leaders that there is no other path and no other choice but full and expeditious implementation of the Peace Agreement.

The return of Riek Machar, his appointment as First Vice President, and the subsequent formation of the Transitional Government of National Unity are indeed significant steps forward, but they are only the beginning of a long path towards peace and healing, and a long path towards justice. So long as there continues to be no meaningful progress on the other core elements of the Peace Agreement — which includes upholding the ceasefire, improving humanitarian access and ending attacks on humanitarians — the severe suffering of the millions of South Sudanese impacted by this conflict will continue.

To convey a sense of the scale of the suffering, a report of the United Nations Deputy Humanitarian Coordinator in South Sudan states that in just five counties in South Sudan's Unity state, there were over 7,000 violent deaths in a single year. In just five counties of just one state of South Sudan in just one year, there were as many violent deaths as there have been in all of Yemen since March 2015. A survey by the United Nations Development Programme also found that the levels of post-traumatic stress disorder are on a par with some of the worse conflict zones in modern history.

The leaders of South Sudan must redouble their efforts to build a better future for their people by fully implementing the Peace Agreement, including the four reform pillars, drafting and adopting a permanent consitution, restructuring the security sector, establishing transparent management of public finances, and advancing transitional justice, including meaningful reconciliation and accountability.

At the same time, we, as members of the Security Council, must renew our commitment to carefully monitoring the situation in South Sudan, including information we have received from the Panel of Experts about the arms flow that poses such a serious threat to the success of the Peace Agreement and the stability of South Sudan and the region. In light of the Panel of Experts' reporting that the parties were continuing to acquire arms even after they signed the Peace Agreement, in resolution 2290 (2016) the Security Council has, significantly, asked for a special report from the Panel of Experts on arms procurement since the formation of the Transitional Government of National Unity. We must continue to watch this closely, and we must continue to uphold our responsibility to use the full range of tools available to us when such action is necessary for the maintenance of international peace and security.

The President (*spoke in Arabic*): I shall now make a statement in my national capacity.

I thank the delegation of the United States of America for its efforts in the negotiations on resolution 2290 (2016), renewing the South Sudan sanctions regime. I also thank the delegations that made positive

contributions to the negotiations and those whose amendments improved the text of the resolution, leading to its unanimous adoption. The negotiations on resolution 2290 (2016) reflected the Council's support for the Transitional Government of National Unity, established in April; for the important efforts of the African Union High Representative for South Sudan, President Alpha Oumar Konaré; and for their hopes for the full implementation of the South Sudan Peace Agreement.

I reiterate my delegation's position on the importance of the international community's support in general, and the Security Council's support in particular, for the efforts of the Transitional Government of National Unity to overcome the political, economic and humanitarian challenges facing the country, and for the full implementation the Peace Agreement. In that context, I reiterate the importance of the meticulous targeting and moderation of sanctions regime, given that renewing and expanding sanctions is not the ideal way at the moment to address the conflict, in which we are seeing a rapprochement among the parties.

The Council must send positive messages to encourage the initiatives in South Sudan in order to maintain the positive momentum towards a resolution of the conflict.

I now resume my functions as President of the Security Council.

I give the floor to the representative of South Sudan.

Mr. Malok (South Sudan): I thank you, Sir, for giving me the floor to speak on this vital issue related to my country. Since this is the first time for me to address the Security Council under your leadership, permit me to congratulate you and your delegation on your assumption of the presidency of the Security Council for the month of May, and although it is rather late in the month, with only a few hours of your presidency left, I should like to assure you of the full support and cooperation of my delegation.

Let me also thank you and the members of the Security Council for giving me the opportunity to address you on this topic of great importance to my country.

Today, as the Security Council renews the mandate of the South Sudan sanctions regime for another year through the adoption moments ago of resolution 2290 (2016), the parties in the Transitional Government of National Unity, after the signing and the implementation of the Peace Agreement, have chosen to fully implement the Peace Agreement and usher in a new era of peace and stability in the country.

The Transitional Government of National Unity, since its formation last month, has committed itself to fully implementing the Peace Agreement in its entirety. The Council of Ministers of the Transitional Government of National Unity have formed a technical ministerial committee to look into the matter of 28 States. The Council of Ministers has also approved the establishment of cantonments for the former rebels in the Greater Equatoria and Greater Bhar El-Gazal regions, where there was no rebellion.

The cantonments of the former rebels will help in the implementation of the permanent ceasefire, improve the security situation in the country and advance the work of security sector reform. The Transitional Government of National Unity is investigating violations that are recurring in Greater Equatoria and other parts of the country, in order to verify whether or not the elements provoking those incidents and disrupting traffic flow on the inter-state after the formation of the Transitional Government of National Unity. These are new developments that will be addressed. These steps demonstrate the commitment of the parties to fully implementing the Agreement.

Since the signing of the Peace Agreement last year, followed by the formation of the Government a month ago, His Excellency President Salva Kiir Mayardit has consistently spoken of the need for reconciliation and forgiveness among the South Sudanese. Transitional justice, reconciliation, accountability and healing are part of the Peace Agreement, which as a Government we are committed to implementing as per the Agreement.

Over five decades, the South Sudanese were pitted against each another for one reason or another, but despite all that they emerged victorious with a country to call a home. Today, with the bitter past behind us, we are called on to initiate transitional justice, reconciliation, accountability and healing from the events that began in December 2013. The Transitional Government of National Unity and all stakeholders in South Sudan should be allowed to look at this process holistically, with the assistance and partnership of the international community as deemed fit by South Sudanese stakeholders. As such, we will lay a strong and sustainable foundation for transitional justice,

reconciliation, accountability and healing, which will continue for 30 months from the signing of the Peace Agreement.

We note with great disappointment that the resolution adopted today fails to recognize the sovereign right of the Government of South Sudan to exercise its national constitutional right to govern and manage its own affairs without interference from the Security Council. Despite the Agreement, the resolution refers to the review of the Non-Governmental Organizations (NGO) Bill. The Bill has not been disputed by the South Sudanese stakeholders; they cherish the Bill in its entirety because the Government introduced it through a consultations and legislative process. The bill is therefore inclusive and stands to address problems within the humanitarian governance of the country. We call on the Security Council to support the efforts of Member States in addressing issues of humanitarian delivery. The NGO Bill will make humanitarian activity in South Sudan an inclusive process; it stands to outlive the current crisis and is in line and consistent with international best practices.

The Government is in compliance with the provisions of the Agreement and is neither placing any restrictions on the freedom of movement and operation of the United Nations Mission in South Sudan (UNMISS), nor attacking the personnel and facilities of the United Nations or the Intergovernmental Authority on Development. Recently, the Government ordered the removal of all roadblocks, wherever they are in the country, in order to allow the easy flow of humanitarian assistance to affected areas. The Government has been calling on UNMISS and humanitarian personnel to cooperate and coordinate their movements with the Government so as to ensure their safety and security. UNMISS should provide concrete and hard evidence to the contrary, if there is any.

Resolution 2206 (2015) imposed targeted sanctions on individuals alleged to have impeded the peaceful settlement of the conflict in South Sudan. However, today's resolution questions the armament of the Sudan People's Liberation Army (SPLA). As South Sudan is not under an arms embargo or sanctions, questioning its right to arms calls us to question the motive behind such language. The stability of South Sudan in the Horn of Africa relies on its readiness to protect itself against any aggression from within or without. The region is awash with small arms and light weapons.

Civil society in South Sudan is synonymous with the liberation struggle of the people of South Sudan, who today are partners in the development of South Sudan. Therefore, any disagreement between the Government and civil society is not and should not be viewed as oil and water. However, we differ on how we look at issues of governance, with the NGOs being driven more by a foreign agenda. As a country, we need to develop our own agenda tailored to and for our needs.

The Ministry of Gender, Child and Social Welfare launched its national actions plan on resolution 1325 (2000), on women and peace and security, with the help and support of the UN-Women country team. Within the Office of the President of the Republic of South Sudan, on 11 October 2014 His Excellency President Salva Kiir Mayardit and Ms. Zainab Hawa Bangura, Special Representative of the Secretary-General on Sexual Violence in Conflict signed a joint communiqué with sets of commitments. Early this month, Ms. Bangura was in Juba to follow up at the invitation of the Office of the President, and agreed to work closely with the SPLA and the South Sudan National Police Service in the development of national action plans, in accordance with resolutions 1960 (2010) and 2106 (2013). These are steps to address issues relating directly to women, with the support of the United Nations. Therefore, we believe that such steps needs to be encourage with the support of all United Nations agencies, funds and programmes.

Permit me to conclude by saying that the Transitional Government of National Unity has an obligation to fully implement the Peace Agreement. However, we call for the cooperation of the Council to positively engage the Government in its implementation of the Peace Agreement.

The meeting rose at 10.20 a.m.